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9 * *Pro hac vice* motions pending

10 Attorneys for Defendant Linens 'N Things, Inc.

12 **UNITED STATES DISTRICT COURT**
 13 **SOUTHERN DISTRICT OF CALIFORNIA**

15 KRIS HENKE, an individual,

Civil No. 08cv614-BEN(NLS)

16 Plaintiff,

17 v.
DEFENDANT'S UNOPPOSED MOTION
FOR CONTINUANCE OF EARLY
NEUTRAL EVALUATION
CONFERENCE

18 LINENS 'N THINGS, INC., an unknown business
 entity; and DOES 1 through 25, Inclusive

20 Defendants.

22 Pursuant to Local Rule 16.1(c), Defendant Linens 'n Things, Inc. ("LNT" or "Defendant")
 23 respectfully submits this Unopposed Motion For Continuance, and requests that the Court continue
 24 the early neutral evaluation conference ("ENE") currently set for May 19, 2008.
 25

26 Extraordinary circumstances exist that make a continuance of the ENE appropriate. Carrie
 27 B. Hoffman, the principal attorney responsible for this case, is currently set for trial in another case
 28 for LNT on May 19, 2008. Further, the LNT representative with full authority to settle this case will

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1 be in trial with Ms. Hoffman. See Exhibit A, Declaration of Carrie B. Hoffman. Accordingly,
2 neither counsel nor a party representative will be able to attend the ENE. For these reasons, LNT
3 respectfully requests that the Court continue the ENE and re-set it for a later date. Both parties are
4 available to attend an ENE on June 9-12, 16 and 17, 2008.

5
6 DATED: April 9, 2008
7

8 Respectfully submitted,
9

10 /s/
11 Scott E. Gizer, State Bar No. 221962
12 CHRISTENSEN, GLASER, FINK, JACOBS,
13 WEIL & SHAPIRO, LLP
14

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19 **Attorneys for the Defendant Linens 'N Things**
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C. CHRISTENSEN

EXHIBIT A

1 Scott E. Gizer, State Bar No. 221962
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 9 * *Pro hac vice* motions pending

10 Attorneys for Defendant Linens 'N Things, Inc.

11
 12 **UNITED STATES DISTRICT COURT**
 13 **SOUTHERN DISTRICT OF CALIFORNIA**

14
 15 KRIS HENKE, an individual,

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16 Plaintiff,

17 v.

18 LINENS 'N THINGS, INC., an unknown business
 entity; and DOES 1 through 25, Inclusive

19
**DECLARATION OF CARRIE B.
 HOFFMAN**

20 Defendants.

21
 22 BEFORE ME, the undersigned authority, on this date personally appeared Carrie B.

23 Hoffmann, who, being duly sworn, stated under oath:

24
 25 1. My name is Carrie B. Hoffman. I am over eighteen (18) years of age. I have never
 26 been convicted of a crime and am fully competent and qualified to make this affidavit. I have
 27 personal knowledge of the matters contained herein, and I am submitting this Affidavit on behalf of
 28 defendant Linens-N-Things ("LNT").

1 2. I am a partner with the Law Firm of Gardere Wynne Sewell LLP and the principal
 2 attorney for LNT in the above-styled action.

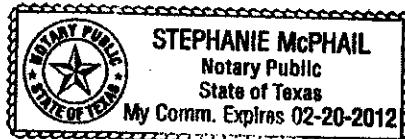
3 3. I am currently set for trial in another matter for LNT on May 19, 2008. The LNT
 4 representative with full authority to settle this case will be at trial with me.
 5

6 FURTHER AFFIANT SAYETH NOT.
 7
 8
 9

Carrie Hoffman
 CARRIE B. HOFFMAN

10 STATE OF TEXAS
 11 COUNTY OF DALLAS

12 Subscribed and sworn to before me on this 9th day of April, 2008, to certify which witness
 13 my hand and official seal.



Stephanie McP
 Notary Public in and for the State of Texas

1
2 **PROOF OF SERVICE**
3

4 STATE OF TEXAS
5 COUNTY OF DALLAS
6

7 I am employed in the County of Dallas, State of Texas; I am over the age of 18 and not a party to the
8 within action; my business address is 1601 Elm Street, Suite 3000, Dallas, TX 75201-4761
9

10 On April 9, 2008, at the direction of a member of the Bar of this Court, I served the within:

11 **DEFENDANT'S UNOPPOSED MOTION FOR CONTINUANCE OF
12 EARLY NEUTRAL EVALUATION CONFERENCE**

13 on the interested parties to this action by delivering a copy thereof in a sealed envelope addressed to
14 each of said interested parties at the following address(es):
15

16 H Anthony Harris
17 Law Offices of Brictson & Cohn
18 2214 Fifth Avenue
19 San Diego, CA 92101
20

21 (BY MAIL) I am readily familiar with the business practice for collection and
22 processing of correspondence for mailing with the United States Postal Service. This
23 correspondence shall be deposited with the United States Postal Service this same day
24 in the ordinary course of business at our Firm's office address in Dallas, Texas.
25 Service made pursuant to this paragraph, upon motion of a party served, shall be
26 presumed invalid if the postal cancellation date or postage meter date on the envelope
27 is more than one day after the date of deposit for mailing contained in this affidavit.

28 (BY OVERNIGHT DELIVERY SERVICE) I served the foregoing document by
29 Federal Express, an express service carrier which provides overnight delivery, as
30 follows. I placed true copies of the foregoing document in sealed envelopes or
31 packages designated by the express service carrier, addressed to each interested party
32 as set forth above, with fees for overnight delivery paid or provided for.

33 (BY PERSONAL SERVICE) I caused such envelope to be delivered by hand to the
34 offices of the above named addressee(s).

35 (BY FACSIMILE) I caused such documents to be delivered via facsimile to the
36 offices of the addressee(s) at the following facsimile number:
37

38 Executed this 9th day of April, 2008, at Dallas, Texas.

39 I declare under penalty of perjury under the laws of the United States of America that the
40 foregoing is true and correct.
41

42 _____
43 /s/
44 Adele Johnson
45